

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

DAWN M. RICHMOND,

No. 08-13221

Plaintiff,

District Judge Paul V. Gadola

v.

Magistrate Judge R. Steven Whalen

COMMISSIONER OF SOCIAL SECURITY,

Defendant.

ORDER DENYING MOTION TO APPOINT COUNSEL

Plaintiff, who has filed a *pro se* complaint in this Social Security Disability case, has requested the appointment of counsel [Docket #3].

Plaintiff does not have an absolute right to the appointment of counsel, as she would in a criminal case. Rather, the Court requests members of the bar to assist in appropriate cases on a *pro bono* basis. The appointment of counsel in a civil case is not a constitutional right, but a privilege granted only in exceptional circumstances; it is not appropriate where a plaintiff's claims have only a slim chance of success. *See Lavado v. Keohane*, 992 F.2d 601, 604-05 (6th Cir. 1993); *Childs v. Pellegrin*, 822 F.2d 1382, 1384 (6th Cir. 1987) ("Appointment of counsel in a civil case is...a matter within the discretion of the court. It is a privilege and not a right.").

At this point in the proceedings, the administrative record has not been filed, so the Court is unable to determine whether the Plaintiff's case merits the appointment of

counsel. Accordingly, her motion will be denied at this time, but without prejudice to renewing her request for counsel when the administrative record is filed.

Plaintiff's application for appointment of counsel [Docket #3] is therefore
DENIED WITHOUT PREJUDICE.

SO ORDERED.

S/R. Steven Whalen
R. STEVEN WHALEN
UNITED STATES MAGISTRATE JUDGE

Dated: July 30, 2008

CERTIFICATE OF SERVICE

The undersigned certifies that a copy of the foregoing order was served on the attorneys and/or parties of record by electronic means or U.S. Mail on July 30, 2008.

S/G. Wilson
Judicial Assistant